Exhibit 72

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH CAROLINA, et al.,

Defendants.

DEPOSITION OF JENNIFER KRETCHMAR

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

03-07-17
8:51 A.M.

Michael B. Lawrence
Court Reporter

Civil Court Reporting, LLC
P.O. Box 1146
Clemmons, NC 27012
(336) 406-7684

increasing volume in applications, we made a decision at that time not to review every single one twice.

Q. And you said you're -- did you also say you're involved in school group review?

A. I have been. Uh-huh (yes).

Q. Are you right now or ---

A. I am.

Q. Okay. So can you just describe the school group review process?

A. Sure. So essentially you're either assigned to in-state or out-of-state school group. The first deadline, I was in-state school group review. This deadline, I'm out-of-state school group review. I'm assigned certain states. I'm going to get a list of all decisions by school for those states. They're typically ranked by either GPA or rank.

I use a physical printout of those sheets -- most people in the office do. We're essentially doing two things. At the point that we do school group review, we know whether we have to pull down or pull back in order to meet our enrollment goals. We have a -- an instruction to, you know, look for certain decisions to change.

And it's also a quality check, so we're looking for fairness of decisions within the school.

So essentially you go through each school. You look at applications that you might want to go into and do another full read and -- it's essentially the holistic review all over again. You may change a decision, you may not.

Q. When you say it's the holistic review all over again, does that mean that during school group review the reviewer typically reviews the entire application file?

MR. SCUDDER: Objection.

A. They -- they can, yeah. So for ones that you're going into, they're going to open up, they're going to see the evaluation page. They might go through every document in the application. Yes.

They also have the information that's on the evaluation page, which is a summary of the holistic review. So...

Q. (Mr. Strawbridge) Is the school group review conducted by the more senior officers in the Admissions Office?

A. Yes.

Q. Okay. And who are they this year, for candidate. We've decided not to admit them. If we have space available, they're someone we'll re-review and consider for admission.

Q. Do you know what I mean when I refer to yield?

A. Yes.

Q. And what is yield?

A. Yield is the percent of students who are admitted who end up enrolling.

Q. Are students on the wait list essentially, you know, waiting to see how the yield of the admitted students works out?

A. Yeah. I mean, that's standard practice in admissions. Schools typically have a wait list because this is an art in science and in case we don't come in right at our number -- we come in under, then you can admit from the wait list.

Q. You're responsible for building the yield model for the University?

A. Yes.

Q. And have you maintained a yield model for the entirety of your time at UNC?

A. Not the entirety of my time. It's probably been the last eight or so years.

Q. And what information do you use to model

yield?
A. Deadline, residency, underrepresented minority status, and test score bands.
Q. And let's start with residency.
A. Uh-huh (yes).
Q. You use different yield models for in-state versus out-of-state residents?
A. I wouldn't say it's a different yield model. Those four variables comprise 40 different cells that each student might fall into and there's a yield for that cell, if that makes sense. So...
Q. I guess my question, and I apologize for not being clear, when you say residency, is it anything beyond just in-state or out-of-state? Do you model yield based on counties in North Carolina, for example?
A. No, we do not.
Q. With respect to underrepresented minority status, what do you mean when you say underrepresented minority?
A. Specifically, with reference to the yield model, it's African-American, American Indian or Hispanic.
Q. And outside the yield model, is that --

the data base?

A. Yes.

Q. Would it be a new field or would an entry be changed? In other words, at the end of a given year, could you identify the people who are both deferred and then wait listed?

MR. SCUDDER: Objection.

A. You can identify the people who are both wait listed and deferred.

Q. (Mr. Strawbridge) I supposed if they're classified as D-1 and then they're on the wait list, that's going to be that population?

A. Right.

Q. You mentioned the ratings that are given to applicants ---

A. Uh-huh (yes).

Q. --- by the readers. What -- which categories are rated?

A. The first one is called program. It's the strength of the curriculum. The second one is performance. We rate their -- their grades, essentially. We rate their extracurricular activities, we rate their essay, and then we have a final category called personal qualities that we rate.

Q. Let's start with program. What is the rating scale for program?
A. It's one to ten.
Q. And it's -- it's ten increments?
A. Right.
Q. And ten being the highest?
A. Correct.
Q. And is there a guide as to how you should rate a program on that scale?
MR. SCUDDER: Objection.
A. We do have a definition of the program rating. It's a count of the number of college level courses.
Q. (Mr. Strawbridge) When you say it's a count of college level courses, is that a count that is offered at the school or that the applicant took?
A. That the applicant took.
Q. Okay. So if they took five college level courses, what would their rating be?
A. Five.
Q. If they took ten?
A. Ten.
Q. And has that scale been the same during your time at UNC?

A. It's changed over -- I mean, I've been here 15 years, so it's changed slightly. In the beginning we didn't count. I can't tell you when it shifted to a count.

Q. During your time at UNC, has there -- has there been a decision made to put less emphasis on the program rating in the admissions process?

MR. SCUDDER: Objection.

A. I would say different emphasis.

Q. (Mr. Strawbridge) How would you describe the change to a different emphasis?

A. We did our own research looking at the relationship between the number of college level courses a student takes and their performance here, and we found a sort of leveling off after the five or six point, all other things being equal. We used to assume that the more courses someone took, the better prepared they were, you know. Twenty is better than 15, 25 is better than 20. And so this has -- we've shifted our evaluation according to the results of these studies, so...

Q. So has it led to a change in the scoring system?

A. No.
Q. But it's -- the instruction is to give less emphasis to the program rating at a certain point?
A. The instruction is to recognize that someone who has taken 15 isn't necessarily better prepared than someone who has taken eight, for example. The results also showed that somebody who takes five or six is going to perform better than someone who doesn't take any. So it's a more nuanced understanding of program.
Q. Is that all that goes into program is college level courses?
A. Yes.
Q. And so students who are at schools that don't provide as many college level course options, do they have less opportunity to earn a higher program score ---
A. Uh-huh (yes).
Q. --- through no fault of their own, correct?
MR. SCUDDER: Objection.
A. Some students might have less opportunity to earn a higher score based on what their school offers. Is that the question?

Q. (Mr. Strawbridge) Correct.
A. Essentially, yes. There are ways to go beyond the school curriculum, but...
Q. Is the number of courses made available to a particular student taken into account in the admissions process?
A. Yes.
Q. How?
A. A school profile is available -- is provided by the counselor, so it's part of the application that we review as we're reviewing the applicant.
Q. And so it's up to the individual reader to sort of note that this applicant may have only taken four courses, but their school only offers six, for example?
A. Right.
Q. And that would show up in the reader comments?
A. It could.
Q. Is there anywhere else it would be accounted for in the applicant data?
A. Other than the school profile, which is attached to the application, no.
Q. What is the rating scale for

performance?
A. It's also one to ten.
Q. Ten being highest?
A. Yes.
Q. Is that true for all the scores? It's the higher ---
A. Yes. Uh-huh (yes).
Q. And what dictates what -- what earns a ten, for example?
A. So, a ten is straight A's. We have a guide, so a nine would be one to two B'S and so on, so forth. So it's -- it's a little more subjective. It's not -- it gets messier the further down you go. Ir takes into account grade trend.
Q. You said he takes into account grade trend. What does that mean?
A. If poorer grades are showing up later, the rating might reflect that as opposed to a few B's in ninth grade, for example.
Q. And it's just the reader's -- the reader is instructed to make an adjustment for -- for grade trend?
A. Uh-huh (yes). It's -- it's part of the guide. I mean again, there's -- it can't be

entirely prescriptive, but we train on this and ---

Q. And besides earned grades, does anything else go into the performance grade?

A. The trends, like I said. So the grades themselves and the trends are the two primary -- the two things.

Q. But, for example, standardized test scores are not part of the performance ---

A. No.

Q. --- analysis? Extracurriculars?

A. Uh-huh (yes).

Q. Is it the same grading scale?

A. I think that this one's one, three, five, seven, ten, I think. I -- we've gone -- we've gone back and forth over the years. I think it's one, three -- we've gone back and forth to the full scale for extracurriculars versus a compressed fewer items on the scale.

Q. And why is that?

A. I don't know. I mean, I think you'd have to ask people in charge of the reading process.

Q. And who would that be?

A. Jared, Barbara.

Q. And are there guidelines as to what earns a one, three, five, seven or ten?

A. Yeah. I mean, we look -- so, we look for things like leadership in extracurricular activities. We look for continuity across years, amount of commitment in terms of hours, we look for achievement at different levels, achievement within the context of the school, and, you know, state level achievement, national achievement. So those are the -- sort of the anchors for that.

Q. Would you agree that because of the variety of extracurricular activities it's a bit more subjective than the prior two scores?

A. I would agree.

Q. What's the essay grading scale?

A. One, three, five, seven, ten.

Q. And again, do you know why there's only five increments on that scale?

A. No.

Q. And there's a rubric or a guide to -- on how to grade essays?

A. There is.

Q. And what is the basic guidance that's given as to what to look for in the essays?

A. So we -- the rubric is -- is based on six things that we've essentially compressed to three, so the idea, the originality, sophistication of the idea, student voice in the writing and grammar syntax, et cetera.

Q. How many essays does each applicant submit?

A. This most recent year, they submit the one for the common app that all common app students submit and then we had a supplement that had two shorter essays.

Q. And they -- they are to do both of those?

A. Yes.

Q. Okay. And what were the topics of the essays?

A. Oh, my gosh.

Q. If you don't know, that's fine.

A. There were -- I mean, there are choices. Oh, my God.

Q. So it wasn't two specific topics? It was write two of the following choices?

A. So again this is something that's changed every year.

MR. SCUDDER: He's just asking if you know it.

A. I don't know.

MR. SCUDDER: He can -- we can look it up.

THE WITNESS: I don't know for sure. I don't know.

MR. SCUDDER: Okay.

THE WITNESS: Yeah.

Q. (Mr. Strawbridge) That's fine.

A. Okay.

Q. And how is personal quality scaled?

A. One, three, five, seven, and ten.

Q. And what are the guidelines for personal quality?

A. So there's six or seven things. I'm not sure I could list all of them right now. Exceptional achievement, overcoming adversity, contribution to diversity, diversity broadly defined.

Q. When you say "diversity broadly defined," what do you mean?

A. In all the ways that diversity could be defined so the student is bringing something unique, whether it's an international background, having lived abroad, being multilingual, having grown up in extreme poverty, a unique talent.

Q. Would that definition include URM status?

A. It could.

Q. In addition to the categories we've just discussed, there's also -- you said that the -- the reviewers also enter GPA?

A. Correct.

Q. And is there a standard method for calculating GPA?

A. This has also changed just this year. So, let me just tell you what we did last year. It was either an official 4.0 weighted scale. We didn't do any calculation. We just lifted from the transcript. If the GPA was reported on a 4.0 official scale, we entered it and then -- so there's a GPA field then a GPA type. GPA type would be 4-point. Anything on not on a 4.0 weighted scale would be other. And I don't think we required -- since we weren't reporting those, it didn't necessarily have to entered.

This year because of changes in reporting from the general administration, what we have to report to the GA, there are multiple GPA types. So 8-point scale, 12-point scale, 100-point scale, we're recording all of those now.

Q. But whenever you ran a particular report, there would be a script run to do that basically?
A. I would concord them and compare them for my purposes. Now the flat file contains that highest concorded score.
Q. Besides any comments or notes, does the summary evaluation -- whether information is included on the summary evaluation sheet, performance, gradings, the SAT and the GPA, obviously the reader notes are recorded somewhere.
A. Uh-huh (yes).
Q. Is there anything else that goes into the summary evaluation?
A. The decisions.
Q. Admit, defer, wait list, denied?
A. Right.
Q. Anything else?
A. Not that I can think of.
Q. We touched on this earlier, but I just want to make sure I understand. How are special talent admission cases handled with respect to the reading process?
A. All candidates go through, all athletes,

A. Yes.
Q. So when you read a file, how does race affect your grading of an applicant for admission?
A. My rating?
Q. Your recommendation as to whether an applicant should be admitted?
A. I mean, I read each applicant as an individual. I'm looking through all of the pieces of information in the file, which, who knows how many that adds up. I mean, all the information from the letter of rec to their extracurriculars, to their essays, to their parent education background and occupation, to how many languages they speak. The race and ethnicity is visible on the app evaluation summary sheet. I see it. It's one factor that I take into account in getting to know that person as an individual.
Q. If a student is URM, is that fact likely to be noted in comments that you make on a particular file?
A. No.
Q. In your experience, do first readers tend to notify -- tend to note URM status in their comments in a particular file?
A. Yeah. I don't know that I have the

perspective on all first readers. I would say no. My -- my understanding would be no.

Q. So you don't think that URM is typically noted on the comments on the file of URM students?

A. I don't think so.

Q. Is race used to determine the overall shape of the class apart from the individual rating of an applicant?

MR. SCUDDER: Objection.

A. Again, I'm not sure I know what you mean by that question.

Q. (Mr. Strawbridge) Does the University track the racial makeup of the incoming class as the process moves along?

A. We do not.

Q. You do not?

A. No.

(EXHIBIT NUMBER 5 WAS MARKED)

Q. (Mr. Strawbridge) I'm handing you what the reporter has marked as Exhibit 5. Just take a second to familiarize yourself with this document.

A. Uh-huh (yes).

(Witness reviewed document)

Q. (Mr. Strawbridge) Do you recognize this document?

A. I do.
Q. What is this?
A. We refer to it as a core report.
Q. And what is the core report?
A. So, this is a core report from 2013. I just want to note that. This isn't how our reports look today.
Q. Okay. We'll talk a little bit about the differences in a minute. But what -- this is actually titled -- the subject is "Core Report Comparison."
A. Uh-huh (yes).
Q. Is there a difference between a core report and core report comparison?
A. We've used a lot of different nomenclature. I can't remember. I think even the core report had a comparison component. I can't be sure without going back and looking.
Q. And what are -- what is the purpose of the core report generally?
MR. SCUDDER: Objection. At this point in time, Patrick?
MR. STRAWBRIDGE: Yes.
A. I mean, essentially it's to track progress relative to the same date and time

previous years.
Q. (Mr. Strawbridge) And when you say progress, what do you mean?
A. Number of applications received, for example, how far along we are in the reading process.
Q. Including admission decisions made?
A. Right.
Q. Do you know how -- was there a point in time when a core rep -- the core report comparison was created as a new report above and beyond the ordinary core report?
A. So you're referring to this as a core report comparison. That doesn't mean that -- that's not any -- I've never used that terminology, so I'm not sure I can answer that question.
Q. I mean, just so we're clear. It's the subject line of this email.
A. No, I see that, but that doesn't mean that's how we specifically referred to this report consistently.
Q. Do you refer to this report as a core report?
A. Yeah.

definition of critical mass that informs the admissions office is used for race in the admissions process?

A. I couldn't --

MR. SCUDDER: Objection.

A. I couldn't say.

Q. (Mr. Strawbridge) You couldn't say?

A. No.

Q. What are people in the Admissions Office told about using race to achieve critical mass?

MR. SCUDDER: Objection.

A. What is your question?

Q. (Mr. Strawbridge) What are people in the Admissions Office told about using race to achieve critical mass?

MR. SCUDDER: Objection.

A. We haven't had that discussion.

Q. (Mr. Strawbridge) You've never discussed what critical mass would be in the Admissions Office?

A. I have not been a part of that discussion. I -- I know critical mass is referenced in the reading document. I don't write the reading document. I haven't been part of those conversations.

Q. In 12 -- more than 12 years -- in 14 years ---
A. Uh-huh (yes).
Q. --- going in the Admissions Office ---
A. Uh-huh (yes).
Q. --- you don't recall being a part of conversation as to what would constitute critical mass?
A. No.
Q. In all your work on the race-neutral alternatives committee, you don't recall having a discussion about what would constitute critical mass?
A. Do you mean how other people define critical mass or what ---
Q. To how the University defines critical mass.
MR. SCUDDER: Objection.
A. I don't. I don't recall that conversation.
Q. (Mr. Strawbridge) How many meetings did you have with the Race-Neutral Alternatives Working Group?
A. Off the top of my head, I don't remember. I don't know.

Q. Half a dozen?
A. Six to eight, I guess I'd say.
Q. Okay. And how many meetings of this committee so far?
MR. SCUDDER: The new committee.
Q. (Mr. Strawbridge) The new committee.
A. Probably about the same number.
Q. And no recollections of discussion as to how the University defines critical mass?
MR. SCUDDER: Objection.
A. I don't have any recollection of that discussion.
Q. (Mr. Strawbridge) You personally said it was some number. Do you have an idea as to what that number would be?
A. No.
Q. Do you think it's a specific number or do you think it's a range?
A. I don't think it's a specific number.
Q. Do you think it's a range?
A. I think you have to pay attention to numbers somewhat in order to achieve critical mass. I don't -- I don't know if I would -- I -- I don't know.
Q. But the concept as you've described it

A. So one on the reliability of the readings was published in the NACAC Journal. I presented at NACAC once on looking for bias in letters of recommendation.

Q. Okay. Anything else?

A. We contracted with an outside research firm to study the college choice process many years ago.

Q. What was the name of that outside research firm?

A. Olson Zaltman Associates.

Q. And what aspect of the admissions process were they studying?

A. They have a patented methodology, so we were just looking at factors that are important in -- in how students choose colleges to apply and attend to. It ended up being -- it was a sample of men, North Carolina prospective students, male prospective students.

Q. In your time as -- in the research department of the UNC Admissions Office, have you ever conducted any studies to see the effect of controlling for all other factors that race was having on the likelihood of admissions?

A. No.

Q. Has anyone ever asked you to look into that question?
A. No.
Q. Have you ever heard any discussion about the possibility of doing that kind of analysis?
A. No.
Q. Directing your attention back to the exhibit in front of you. If you can turn to page 7 of this report.
(Witness complied)
Q. There's a block quote there that I think is attributed to the faculty advisory committee's statement on undergraduate admissions.
A. Uh-huh (yes). Yes.
Q. Are you familiar with that document that it's excerpting the quote from here?
A. Not -- not off the top of my head, I'm not familiar with it. I've probably seen it before.
Q. The quote that it attributes to that document here says "In evaluating candidates for admission, we do not seek to maximize the average SAT score or the average eventual GPA of the entering class."
A. Uh-huh (yes).